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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,576	11/01/2000	Fukuharu Sudo	09812.0602-00000	9090.

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EXAMINER
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HAN, QI

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/674,576	SUDO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Qi Han	2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/27/2005 & 2/2/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,3,6,7,9,11 and 23-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,6,7,9,11 and 23-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/27/2005 has been entered.

#### ***Response to Amendment***

3. This communication is responsive to the applicant's amendment dated 12/27/2005 and RCE examination filed on 2/2/2006. The Applicant(s) amended claims 23-28 (see the amendment: pages 4-8).

#### ***Response to Arguments***

4. Applicant's arguments with respect to the claim rejection under 35 USC 102 and 103 have been considered but are moot in view of the new ground(s) of rejection, since the amended claims introduce new matter and/or new matter. There response to the arguments is directed to the claim rejection of this office action (see below).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2-3, 6-7, 9, 11, and 23-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding independent claims 23, 25-27, the new amended limitation “each content item having a first identifier within a first category, a second identifier within a second category, and a third first identifier within a third category” introduces new subject matter, because it is not specifically described in the original specification.

Regarding all dependent claims, the rejection is based on the same reason described for the responding independent claims (see above), because dependent claims inherit all limitations of their parent claim(s).

***Claim Rejections - 35 USC § 103***

6. Claims 2-3, 9, 11, 23, 25-27, 29-30 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedin et al. (US 6,185,535) hereinafter referenced as Hedin in view of Ranger (US 5,999,940).

As per **claim 23**, as best understood in view of the rejection under 35 USC 112 1<sup>st</sup> (see above), Hedin discloses voice control of a user interface to service applications (title), providing the implementation of interactive voice control services (col. 15, lines 55-56), comprising:

“a portable terminal configured to transmit input speech information to a server over a network” (Fig. 1a and col. 4 line 44 to col. 5 line 33, ‘client part 101’, ‘server part 103’, ‘wireless mobile terminals (portable terminal)’, and ‘advanced mobile network’; Fig. 3 and col. 2, lines 59-60, ‘the unrecognized portion of the audio input signal (input speech information) is formatted in a data unit that is communicated (transmitted) to a remote application part (server part)’);

“a server configured to receive the transmitted input speech information from said portable terminal, and to generate a contents list”, (Fig. 3 and col. 6 lines 20-39, ‘remote application part (RAP) 205(server)’, ‘external services and content (ESC) 207’; col. 8 line 56 to col. 9 line 57, ‘speech recognition’, ‘provide (generate) information and content over the Internet’; col. 10, line 30 to col. 11 line 40, ‘complete menu (corresponding to a contents list)’; col. 14, lines 10-20, ‘the service might first present the user with a list of options (contents list)...’).

“wherein the server generates a first contents list by calculating the similarity of acoustic characteristic quantities between first input speech information and the identifiers with the first category” (col. 14, lines 10-60, ‘using’ the speech input ‘show weather for’ (the identifiers with the first category) in ‘a speech recognition enabled terminal (necessarily include input speech information)’, ‘a weather information (first category) service might first present the user with a list of options (contents list)...’; Fig. 3 and col. 9, line 25 to col. 11 line 41, ‘to perform speech

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recognition, the RAP's exemplary ASR 307 includes the feature vector (read on acoustic characteristic quantities) extraction unit 309, a feature matching (read on calculating the similarity) and decision unit 311 and RAP reference database 313');

“wherein the server transmits input request information related to the selected second or the third category to the portable terminal” (col. 1, lines 16-17, ‘data is communicated (transmitted) via the Internet to the service application, which can then respond accordingly’; col. 3, lines 20-25, ‘terminal application part (terminal side) ...communicated to the remote application part (server side)’; col. 15, lines 5-16, ‘the user then speaks the city name ...for speech recognition and further processing (calculating similarity)’, wherein ‘city option’, ‘other’ and/or entered ‘city name’ can be broadly interpreted as the selected second or the third category).

But, Hedin does not expressly disclose that “the server selects the second category or the third category based on which category will be **better narrow** the first contents list” and “the server narrows the first content list by calculating the similarity of acoustic characteristics quantities between second input speech information and the identifier within the selected second or third categories. However, the feature is well known in the art as evidence by Ranger who discloses interactive information discovery tool and methodology (title), comprising filtering out irrelevant information (narrow content), avoiding obsolete information (narrow content) and automatically classifying query results’ (col. 2, lines 21-22), providing multiple identifiers for classes, subclasses, objects and attributes (each group can be interpreted as categories) of veracity of date (content data) (Fig. 3 and col. 6, lines 32-42, col. 7, lines 4-30), and teaches that ‘web server ...performs a hit analysis of the query result so that the user can more easily

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ascertain by browsing to a relevant bin (category or range) for items that are most relevant to the user (better narrow content list)' and when 'number of content items (list)' exceeds 'predefined threshold' the system may 'reduce scrolling (narrow list)', readjust the bins, and that 'class names of the different classes of the first 'M' items are used as bin categories' (Fig. 7 and col., 19, line 34 to col. 20, line 47), which suggests that the Ranger's system has capability of implementing the feature as claimed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hedin by providing a mechanism to reduce and/or readjust (narrow) the content items using different bin categories, as taught by Ranger, for the purpose of obtaining most relevant content items for user (Ranger: col. 19, lines 43-44).

As per **claim 2** (depending on claim 23), Hedin in view of Ranger further discloses "said portable terminal includes speech recognition means for performing speech recognition on said input speech information", (Hedin: col. 4, line 66 to col. 5, line 11, 'the client (terminal) part 101 includes a simple ASR (automatic speech recognition)', 'a menu item', 'recognizing a small number isolated words (read on input speech information)', 'wireless mobile (portable) terminals').

As per **claim 3** (depending on claim 23), Hedin in view of Ranger further discloses "said server includes speech recognition means for performing speech recognition on said input speech information received from said portable terminal over the network, (Hedin: col. 9 lines 1-67, 'an ASR 307 that will recognize the TP audio encoded words', 'able to recognize isolated words, ... may also have capability of recognizing continuous speech' that includes input speech information).

As per **claim 25**, it recites a portable terminal for a content selection system. The rejection is based on the same reason described for claim 23, because claim 25 recites the same or similar limitation(s) as claim 23.

As per **claim 9** (depending on claim 25), the rejection is based on the same reason described for claim 2, because claim 9 recites the same or similar limitation(s) as claim 2.

As per **claim 26**, it recites a server for a content selection system. The rejection is based on the same reason described for claim 23, because claim 26 recites the same or similar limitation(s) as claim 23.

As per **claim 11** (depending on claim 26), the rejection is based on the same reason described for claim 3, because claim 11 recites the same or similar limitation(s) as claim 3.

As per **claim 27**, it recites a content selection method. The rejection is based on the same reason described for claim 23, because claim 27 recites the same or similar limitation(s) as claim 23.

As per **claim 29** (depending on claim 23), Hedin does not expressly disclose that "said server sends the contents list to said portable terminal if the contents list is determined using thresholds". However, this feature is well known in the art as evidenced by Ranger who discloses interactive information discovery tool and methodology (title), and teaches that 'web server ...performs a hit analysis of the query result' and 'a predefined threshold parameter 'N' 'indicates how many contents items must be present in order to trigger the automatic content analysis (col. 19, lines 40-52, and Fig. 7 block 700). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hedin by specifically providing a



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predefined threshold parameter for the query result of the contents, as taught by Ranger, for the purpose of triggering the automatic content analysis (Ranger: col. 19, lines 51-52).

As per **claim 30** (depending on claim 23), Hedin in view of Ranger further discloses “said server requests the input speech information associated with a specified category”, (Hedin: Fig. 3 and col. 15, lines 55-56, ‘interactive voice controlled services’; col. 15, lines 10-11, ‘device says: “Enter city name” (requested input speech information associated with a category of city)’).

As per **claim 32** (depending on claim 26), the rejection is based on the same reason described for claim 29, because the claim recites the same or similar limitation(s) as claim 29.

As per **claim 33** (depending on claim 26), the rejection is based on the same reason described for claim 30, because the claim recites the same or similar limitation(s) as claim 30.

7. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedin in view of Ranger as applied to claims 2 and 3, and further in view of Ladd et al. (US 6,493,671) hereinafter referenced as Ladd.

As per **claim 6** (depending on claim 2), Hedin in view of Ranger does not expressly disclose a verifying mechanism for speech recognition as the claimed “said speech recognition means includes means for verifying whether or not the speech recognition on said input speech information has been made correctly, such that if the speech recognition is verified by said verification means to be made correctly, then said input speech information, processed with the speech recognition means, is output, and if the speech recognition is verified by said verification means not to be made correctly, then speech recognition to output the speech information

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processed with said speech recognition means.” However, this feature is well known in the art as evidence by Ladd who discloses a markup language for interactive service to notify a user of an event and methods thereof, comprising a voice browser 250 (Fig. 3) (col. 7, line 6) and an automatic speech recognition (ASR) unit 254, 12-37), and the “DIALOG” element and the associated “STEP” element of a markup language define a dialogue interpretation between the voice browser and user, including “confirm” element (col. 18, lines 1-39) for allowing user verifying the spoken content. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hedin by specifically providing a verifying mechanism for speech recognition, as taught by Ladd, for the purpose of increasing speech recognition accuracy.

As per **claim 7** (depending on claim 3), the rejection is based on the same reason described for claim 6, because claim 7 recites the same or similar limitation(s) as claim 6.

8. Claims 24, 28, 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedin in view of Ranger as applied to claim 23, and further in view of Milsted et al. (US 6,263,313 B1), hereinafter referenced as Milsted.

As per **claim 24** (depending on claim 23), Hedin fails to expressly disclose that “the categories include title, performer, and genre”. However, this feature is well known in the art as evidence by Milsted who discloses method and apparatus to create encoded digital content (title), comprising determining the genre of the music selected (col. 66, lines 53-54) and a simple browser interface with list of titles, performers or new releases to select from (col. 74, lines 39-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify Hedin by specifically providing categories including title, performer, and genre, as taught by Milsted, for the purpose of increasing flexibility of selecting contents.

As per **claim 28** (depending on claim 27), the rejection is based on the same reason described for claim 24, because the claim recites the same or similar limitation(s) as claim 24.

As per **claim 31** (depending on claim 30), the rejection is based on the same reason described for claim 24, because the claim recites the same or similar limitation(s) as claim 24.

As per **claim 34** (depending on claim 33), the rejection is based on the same reason described for claim 24, because the claim recites the same or similar limitation(s) as claim 24.

### *Conclusion*

9. Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The

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examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh  
March 29, 2006

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER